



(209) 944-9565 • FAX (209) 944-9569  
LICENSE NO. 529281

June 30, 2015

To: State of California Department of Transportation  
Division of Engineering Services  
Office Engineer  
1727 30<sup>th</sup> Street MS-43  
P.O. Box 168041  
Sacramento, CA 95816-8041  
Phone (916) 227-6280  
Fax (916) 227-6282

Attn: Mr. John McMillan, Deputy Division Chief

Re: Contract 04-2G4104  
04-Ala-680-20.0/20.3  
Bid Opened: June 16, 2015  
Bid Protest of FDB Vanguard Construction

Dear Mr. McMillan:

Please consider this letter to be a formal protest of the bid submitted by FDB Vanguard Construction (Vanguard) on the above referenced project. Midstate Barrier, Inc. (MBI) contends that Vanguard did not submit the required DBE forms thus making their bid non-responsive.

In submitting their DBE paperwork, Vanguard did not submit all required forms. The DBE Confirmation Form (DES-OE-012.13) that each subcontractor/supplier must fill out and sign was not included in their submittal as required in Section 2-1.12B(2) of the Revised Standard Specifications. In a recent project (07-183124, B.O. 5/14/15) Caltrans reduced a low bidder's DBE participation to zero for not completing the DBE Confirmation Form (See Attachment A). Since Vanguard did not submit the signed DBE Confirmation Form for all of their DBE subcontractors and suppliers, their DBE participation should be reduced to zero, resulting in Vanguard's bid not meeting the required DBE goal for the project.

Due to these facts, it is respectfully requested that Caltrans find the bid submitted by Vanguard non-responsive and award this project to Midstate Barrier, Inc., the lowest responsible bidder.

Sincerely,

Clark D. Ebinger  
President - MBI

Received

Teichert & Sons, Inc. Fax:916-645-4801

JUN 26 2015 03:13pm

JUN 26 2015 02:17pm

P003/003

STATE OF CALIFORNIA - CALIFORNIA STATE TRANSPORTATION AGENCY

EDMOND G. BROWN JR. Governor

DEPARTMENT OF TRANSPORTATION  
DIVISION OF ENGINEERING SERVICES

OFFICE ENGINEER  
P.O. BOX 168041, MS-43  
SACRAMENTO, CA 95816-8041  
PHONE (916) 227-6299  
FAX (916) 227-6282  
TTY 711  
www.dot.ca.gov



Serious drought.  
Help save water!

May 29, 2015

Facsimile: (818) 364-9958

Salvador Martinez, President  
Martinez Landscape Co., Inc.  
12357 San Fernando Road  
Sylmar, CA 91342

07-183124  
07-LA-710-9.8/18.4  
B.O. 5/14/15

Dear Mr. Martinez:

The Department of Transportation (Caltrans) received the attached Disabled Business Enterprise (DBE) Commitment form for Contract 07-183124 from Martinez Landscape Co., Inc. (Martinez Landscape) on May 14, 2015. Martinez Landscape listed E-NOR Innovations, Inc. (E-NOR) to perform Bid Items 2 and 3 (Construction Area Signs and Traffic Control System).

Upon review by the Office of Business and Economic Opportunity, Contract Evaluation Branch (CEB) it was determined that E-NOR only provided a rate sheet to confirm their participation and did not complete the DBE Confirmation form; therefore E-NOR's participation of \$55,697 was reduced to 0, and will not be counted towards Martinez Landscape's DBE goal. However, since Martinez is a certified DBE firm, the goal of 23% will still be met.

If you have any questions, please contact Melissa Smith, Contract Awards Branch Chief, at (916) 227-6228.

Sincerely,

*for*

JOHN C. McMILLAN  
Deputy Division Chief  
Office Engineer  
Division of Engineering Services

cc: E-NOR  
(310) 513-6290

# MIDSTATE BARRIER, INC.

P.O. Box 30550  
Stockton, CA 95213-0550  
License No. 529261

## FAX COVER SHEET

Send To: CALTRANS - OFF. OF ENGINEER From: Clark D. Ebinger, President

Office # 209-944-9565

Attn: Mr. JOHN McMILLAN Fax # 209-944-9569

Fax: (916) 227-6282

Pages: 3

Phone: (916) 227-6280

Date: July 2, 2015

Re: Contract 04-2G4104

Thank You,

Clark D. Ebinger